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FILED

JAN 28 2009

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR No. 09-70014 EDL
Plaintiff,	)	
v.	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	EXCLUDING TIME UNDER FED. R. CRIM.
	)	P. 5.1 and 18 U.S.C. § 3161
MATTHEW ROBINSON,	)	
Defendant.	)	

On January 21, 2009, the parties in this case appeared before the Court for the defendant's initial appearance. At that time, the parties requested, and the Court agreed, to set the date for the defendant's preliminary hearing or arraignment at the next appearance. The parties now request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through February 18, 2009. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause

1 exists for this extension.

2 The defendant also agrees to exclude for this period of time any time limits applicable  
3 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the  
4 reasonable time necessary for continuity of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The  
5 parties also agreed that the ends of justice served by granting such a continuance outweighed the  
6 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

7 SO STIPULATED:

8 JOSEPH P. RUSSONIELLO  
9 United States Attorney

10  
11 DATED: January 23, 2009

\_\_\_\_\_/s/  
TAREK J. HELOU  
Assistant United States Attorney

12  
13  
14 DATED: January 23, 2009

\_\_\_\_\_/s/  
JUDD C. IVERSEN  
Attorney for MATTHEW ROBINSON

15  
16 For the reasons stated above, the Court finds that the extension of time for the defendant's  
17 preliminary hearing or arraignment through February 18, 2009 is warranted and that the ends of  
18 justice served by the continuance outweigh the best interests of the public and the defendant in a  
19 speedy trial. 18 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested  
20 continuance would deny the defendant effective preparation of counsel, and would result in a  
21 miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(iv).

22  
23 SO ORDERED.

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25 DATED: Jan 25, 2009

  
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THE HONORABLE ELIZABETH D. LAPORTE  
United States Magistrate Judge